

1 UNITED STATES DISTRICT COURT
 2 FOR THE WESTERN DISTRICT OF NORTH CAROLINA
 3 (Asheville Division)

4 -----x
 5 UNITED STATES OF AMERICA, :
 6 Plaintiff, :
 7 :
 8 vs :Criminal Action:1:10-CR-62
 9 :
 10 :
 11 PAUL JEREMIAS, :
 12 Defendant. :
 13 -----x

11 June 16, 2011
 12 Asheville, North Carolina

13 The above-entitled action came on for a Rule
 14 11/Entry of Guilty Plea Hearing Proceeding before the
 15 HONORABLE DENNIS LEE HOWELL, United States Magistrate
 16 Judge, in Courtroom 2, commencing at 10:45 a.m.

17 **APPEARANCES:**

18 On behalf of the Plaintiff:

19 **DAVID S. THORNELOE, Esquire**
 20 Office of the U.S. Attorney - WDNC
 21 233 U. S. Courthouse Building
 22 100 Otis Street
 23 Asheville, North Carolina 28801

24 On behalf of the Defendant:

25 **SEAN P. DEVEREUX, Esquire**
 The Jackson Building
 22 South Pack Square, Suite 1100
 Asheville, North Carolina 28801

Tracy Rae Dunlap, RMR, CRR 828.771.7217
 Official Court Reporter

I N D E X

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P R O C E E D I N G S

THE COURT: Are you gentlemen ready?

MR. THORNELOE: Yes, sir.

THE COURT: Mr. Thorneloe, are you ready?

MR. THORNELOE: Yes, Your Honor. If I can, it may expedite things if I can go ahead -- Your Honor, I got your request to fix some of the typos on there, and those changes have been made. I've signed it, and the defense counsel and the defendant, I believe, are signing it now.

Before we begin, I'd like to just hand it to the Court.

MR. THORNELOE: That will be fine.

MR. DEVEREUX: I'll fix this. I don't think it's not necessary, but on the issue of timeliness we filed a copy of it with the U. S. attorney's office.

THE COURT: There's no --

MR. DEVEREUX: There is no real substance.

THE COURT: All right.

MR. DEVEREUX: I attempted to look at it (inaudible).

MR. THORNELOE: May I approach the Court?

THE COURT: Yes, sir.

What we've got now is a new plea agreement that takes care of some of the typographical errors.

1 MR. THORNELOE: Yes, sir. Yes, Your Honor. It
2 changes where it referred to a female article to a male
3 article.

4 THE COURT: All right. It looks like, to me,
5 we're ready to take care of this matter.

6 I take it, Mr. Devereux, you've advised
7 Mr. Jeremias about 18, United States Code, Section
8 3143(a)(2).

9 MR. DEVEREUX: (Inaudible.)

10 THE COURT: All right. I'm now going to call the
11 case of United States of America versus Paul Jeremias,
12 which is file 1:10-CR-62, and which is on the calendar
13 for the purpose of a Rule 11 proceeding.

14 Mr. Jeremias, I am advised that you have filed a
15 written plea agreement with the government in regard to
16 the charges that are pending against you in this case.
17 As a result, I am required by the Federal Rules of
18 Criminal Procedure to inquire and advise you concerning
19 that agreement.

20 I am going to have to ask you some questions, and
21 you're going to be required to personally respond to
22 those questions under oath. So I need for you to stand
23 up, please, sir. Put your left hand on the Bible, raise
24 your right hand, and take the oath to tell the truth.

25 I don't have a problem with that. Ms. Wurst, if

1 you would have Mr. Jeremias affirm that he will tell the
2 truth in regard to this matter.

3 THE DEFENDANT: I affirm.

4 (Witness affirms at 10:48 a.m.)

5 **EXAMINATION**

6 BY THE COURT:

7 Q. I'm going to let you set down, Mr. Jeremias. We
8 have several questions to go over, and I want you to be
9 comfortable.

10 Mr. Jeremias, do you understand that you are now
11 under oath and you are required to truthful answers to
12 the questions I am about to ask you?

13 A. I understand.

14 Q. Do you understand that if you give false
15 information under oath you may be prosecuted for perjury
16 or false statement?

17 A. I understand.

18 Q. Are you able to hear and understand my questions
19 to you?

20 A. Yes, I am.

21 Q. Do you understand that you have the right to have
22 a United States district judge conduct this proceeding?

23 A. I understand.

24 Q. Recognizing your right to proceed before a
25 district judge, do you expressly consent to proceed in

1 this court, that is, before a United States magistrate
2 judge?

3 A. Yes.

4 Q. Mr. Jeremias, give me your full name please.

5 A. Paul Jeremias.

6 Q. Do you have a middle name, sir?

7 A. I do not.

8 Q. How old are you, sir?

9 A. I'm 53.

10 Q. If you would, please describe to me your level of
11 education. How far did you go in school?

12 A. I have an MFA. I'm sorry. I have a bachelors of
13 applied arts and MA, and an MFA.

14 Q. All right. Let's go back a little further than
15 that.

16 When did you graduate from high school?

17 It should have been back about '75 or '76?

18 A. I would say, yes, that would be correct.

19 Q. Where were you at? Where did you graduate from
20 high school?

21 A. Parkside High School in Dundas, Ontario, Canada.

22 Q. Parkside, is that one word?

23 A. Yes, it is.

24 Q. And that is in what city in Ontario?

25 A. Dundas.

1 Q. Could you spell it for me please?

2 A. D U N D A S.

3 Q. And then you went to college; is that correct?

4 A. I did.

5 Q. And what college did you graduate from, sir?

6 A. I did a year at the University of Western Ontario
7 in London, and then I transferred to Ryerson
8 Polytechnical University --

9 Q. All right.

10 A. -- for my first bachelor of applied arts.

11 Q. All right. Now one year at what university?

12 A. Western -- at Western University.

13 Q. Is that in Ontario?

14 A. Yes, it is. It's in London, Ontario. It's
15 Western. Western.

16 Q. And then you went -- transferred to what
17 institution?

18 A. Ryerson.

19 Q. Could you spell that one for me please?

20 A. R Y E R - --

21 Q. R Y E R?

22 A. S O N. Ryerson Polytechnical University. And
23 that was in Toronto.

24 Q. And got your BS -- BA?

25 A. Bachelor of applied arts, Your Honor.

1 Q. Okay. When did you get that degree?

2 A. 1977 to 1981.

3 Q. So you got it in '81; right?

4 And then you went and got your masters in fine
5 arts. And where did you go to do that?

6 A. At the University of New Mexico in Albuquerque.
7 And the program required me to get my MA first, and then
8 I got my MFA.

9 Q. So you got a master of arts, now, when?

10 A. I started during '84, and I got my MA in '86.

11 Q. And then got your masters of fine arts?

12 A. Yes, in 1990.

13 Q. From the same institution?

14 A. Yes, sir.

15 Q. Any other educational training that you can think
16 of, sir?

17 A. Educational training. Other than work experience,
18 no.

19 Q. No. Going to school?

20 A. No. That's it.

21 Q. Are you presently under the influence of any
22 intoxicating liquors?

23 A. I am not.

24 Q. Are you presently under the influence of any
25 narcotics?

1 A. I am not.

2 Q. Are you presently under the influence of any drugs
3 of any kind?

4 A. I am not.

5 Q. Have you taken any medication within the last 48
6 hours?

7 A. I have not.

8 Q. Are you currently under the care of a physician?

9 A. No, I'm not.

10 Q. Have you ever been treated for mental illness?

11 A. No, I have not.

12 Q. Have you ere been treated for substance abuse?

13 A. I have not.

14 Q. Is your mind clear, and do you understand that
15 you're here today to enter a guilty plea that cannot
16 later be withdrawn?

17 A. I understand that.

18 Q. Have you and Mr. Devereux reviewed the Bill of
19 Indictment, and have you and he reviewed the plea
20 agreement in this case?

21 A. Yes, we have.

22 Q. From my examination of the plea agreement I'm
23 advised that you're pleading guilty to Count One as
24 contained in the Bill of Indictment; is that correct?

25 A. Yes, sir.

1 Q. Count One of the Bill of Indictment reads as
2 follows:

3 On or about April 15th 2010, in Buncombe County,
4 within the Western District of North Carolina and
5 elsewhere, Paul Jeremias did knowingly possess one or
6 more matters; to-wit: Compact discs and a computer hard
7 drive containing one or more visual depictions which had
8 been mailed, shipped, and transported in and affecting
9 interstate and foreign commerce, and which had been
10 produced using materials which had been mailed, shipped
11 and transported in interstate and foreign commerce by any
12 means, including by a computer, the production of which
13 involved the use of a minor engaging in sexually explicit
14 conduct as defined in Title 18, United States Code
15 Section 22562, and such visual depiction being of such
16 conduct. All in violation of Title 18, United States
17 Code, Section 2252(A)(4)(b).

18 Are you pleading guilty to that offense?

19 MR. DEVEREUX: If Your Honor recalls (inaudible).

20 THE COURT: Mr. Thorneloe.

21 MR. THORNELOE: That's correct, Your Honor. That
22 was adopted by the Court, as well, I believe, but I agree
23 that's not particularly relevant.

24 THE COURT: I can't change what's in that Bill of
25 Indictment. Now can it be used as evidence? No, I don't

1 think so.

2 **FURTHER EXAMINATION**

3 BY THE COURT:

4 Q. All right. Are you pleading guilty to the offense
5 that I read to you, Mr. Jeremias, that's in the Bill of
6 Indictment?

7 A. Yes, I am.

8 Q. The law requires that I advise you of the
9 essential elements of such an offense. Before I do so, I
10 am going to read to you the statute that it is alleged
11 that you have violated.

12 Any person who knowingly possesses, or knowingly
13 accesses with intent to view one or more books,
14 magazines, periodicals, films, videotapes, or other
15 matter which contains any visual depiction that has been
16 mailed or has been shipped or transported using any means
17 or facility of interstate or foreign commerce, or in or
18 affecting interstate or foreign commerce, or which has
19 been produced using foreign commerce, or which was
20 produced using materials which have been mailed or so
21 shipped or transported by any means, including by
22 computer, if the producing of such visual depiction
23 involves the use of a minor engaging in sexually explicit
24 conduct. That is 18, United States Code, 2252(A)(4)(b).

25 The elements of the offense described in Count One

1 of the Bill of Indictment and in the statute are as
2 follows:

3 1. That you knowingly possessed one or more
4 books, magazines, periodicals, films, videotapes, or
5 other matter as described in the Bill of Indictment;

6 2. That the materials as described in the Bill of
7 Indictment, which you possessed, had been shipped or
8 transported in interstate or foreign commerce, or was
9 produced using materials which had been so mailed,
10 shipped or transported, including transmission by means
11 of a computer;

12 3. That the books, magazines, periodicals, films
13 videotape, or other material described in the Bill of
14 Indictment were produced of visual depictions involving
15 the use of a minor engaging in sexually explicit conduct,
16 and such visual depiction is of such conduct; and

17 4. That you did all such acts knowingly,
18 intentionally, willfully, and unlawfully.

19 Do you understand each element of the offense
20 charged as I have explained them to you?

21 A. Yes, sir.

22 Q. Do you understand that upon a plea of "not guilty"
23 the government would be required to prove each element of
24 the offense charged beyond a reasonable doubt?

25 A. I do.

1 Q. Do you understand that the government would be
2 required to prove that the unlawful acts were committed
3 knowingly, willfully, intentionally, and unlawfully?

4 A. I do.

5 Q. I am also required by law to advise you concerning
6 the maximum and any minimum penalties prescribed by law
7 for such an offense. Those maximum and potential minimum
8 penalties are as follows.

9 The maximum possible penalty for such an offense
10 is a term of imprisonment of not more than ten years, a
11 fine not to exceed the sum of \$250,000, or both, a term
12 of supervised release of not less than five years and not
13 more than life, and a \$100 special assessment. However,
14 if you had a prior conviction under this chapter, Chapter
15 71, Chapter 109A, Chapter 117, or under Section 920 of
16 Title X, or under the laws of any state relating to
17 aggravated sexual abuse, sexual abuse, or abusive sexual
18 conduct involving a minor or ward, or the production,
19 possession, receipt, mailing, sell, distribution,
20 shipment, or transportation of child pornography, then
21 you would be sentenced to a term of imprisonment of not
22 less than ten years nor more than 20 years, a fine not to
23 exceed the sum of \$250,000, or both, a term of supervised
24 release of not less than five years but not more than
25 life, and a \$100 special assessment.

1 Do you fully understand the charges against you as
2 contained in Count One of the Bill of Indictment,
3 including those maximum and potential minimum penalties?

4 A. I do.

5 Q. Mr. Jeremias, have you been advised by
6 Mr. Devereux that if you're not a citizen of the United
7 States your guilty plea may have adverse immigration
8 consequences?

9 A. I do.

10 Q. Have you been advised by Mr. Devereux that if
11 you're not a citizen of the United States your guilty
12 plea may result in deportation or removal from the United
13 States?

14 A. Yes.

15 Q. Mr. Jeremias, if the Court imposes an active term
16 of imprisonment of more than one year the Court is
17 required, also, to order a term of what is called
18 supervised release. And a term of supervised release may
19 be ordered in other circumstances. This means that after
20 a defendant is released from prison there are certain
21 terms and conditions they will be required to follow.
22 The length of supervised release usually ranges from one
23 to five years but may be more or less than that for
24 certain offenses.

25 Do you understand the terms of "supervised

1 release" as I have explained them to you?

2 A. Yes, sir.

3 Q. Do you understand that if you violate the terms
4 and conditions of supervised release you could be
5 returned to prison for an additional period of time?

6 A. Yes, sir.

7 Q. Do you understand that parole has been abolished
8 in the federal system, and that if you are sentenced to a
9 term of imprisonment you will not be released on parole?

10 A. Yes.

11 Q. Have you and Mr. Devereux discussed how the
12 sentencing guidelines may apply in your case?

13 A. Yes.

14 Q. Do you believe you understand how these guidelines
15 may apply to you, sir?

16 A. Yes.

17 Q. Do you understand that the Court will not be bound
18 by the sentencing guidelines but, nonetheless, must
19 consult those guidelines and take them in to account when
20 sentencing?

21 A. Yes, sir.

22 Q. Do you understand that the sentence the Court will
23 impose will be within the statutory limits and in the
24 Court's sound discretion and could be greater or less
25 than the sentence as provided for by the guidelines?

1 A. I understand.

2 Q. Do you understand that the Court will follow the
3 procedural components of the guidelines system, which
4 means that the probation office will prepare a
5 presentence report which contains guidelines
6 calculations, and both you and the government will have
7 an opportunity to object to any alleged deficiencies in
8 the report?

9 A. Yes, sir.

10 Q. Do you understand that in some circumstances you
11 may receive a sentence that is different, that is either
12 higher or lower than that called for by the guidelines?

13 A. Yes, sir.

14 Q. Do you understand that if the sentence is more
15 severe than you expect, or the Court does not accept the
16 government's sentencing recommendation, you will still be
17 bound by your plea and have no right to withdraw the plea
18 of "guilty?"

19 A. I understand.

20 Q. Do you understand that the Court has the
21 discretion, in appropriate circumstances, to order you to
22 make restitution to any victim of the offense? The Court
23 may, also, in the appropriate circumstance, require you
24 to pay the cost of your confinement in prison, or cost of
25 supervision, or special investigative cost, or all of

1 these costs? The Court may also require you to forfeit
2 property involved in the offense.

3 Do you understand these requirements as I have
4 explained them to you?

5 A. Yes.

6 Q. Do you understand that you have a right to plead
7 not guilty, to have a speedy trial before a judge and
8 jury, to summons witnesses to testify in your behalf, and
9 to confront witnesses against you?

10 A. Yes, sir.

11 Q. Do you understand that if you exercise your right
12 to trial you would be entitled to the assistance of an
13 attorney, that you would not be required to testify, that
14 you would be presumed innocent, and the burden would be
15 on the government to prove your guilt beyond a reasonable
16 doubt? Do you understand all of these rights?

17 A. Yes, sir.

18 Q. Do you understand that by entering a plea of
19 guilty you forfeit and waive, or give up, your right to
20 plead not guilty, to a trial by a jury and at that trial
21 the right to the assistance of counsel, the right to
22 confront and cross-examine witnesses against you, and the
23 right against compelled self-incrimination, or any other
24 rights associated with a jury trial?

25 Do you understand that by entering this plea of

1 guilty you are waiving, or giving up, all of these
2 rights? There will be no trial. If your plea of guilty
3 is accepted there will be one more hearing where the
4 district court will determine (a) whether there is a
5 factual basis for your plea and (b) what sentence to
6 impose. Do you understand all of these things?

7 A. Yes.

8 Q. Are you in fact guilty of the count in the Bill of
9 Indictment to which you have come to court today to plead
10 guilty? That is, did you commit the act described in
11 Count One of the Bill of Indictment?

12 A. Yes.

13 Q. Is your plea of guilty voluntary and not the
14 result of coercion, threats or promises other than those
15 contained in the written plea agreement?

16 A. Yes.

17 Q. Do you understand that entering a plea of guilty
18 to a felony charge may deprive you, at least for a time,
19 of certain civil rights such as the right to vote, hold a
20 public office, serve on a jury, and possess a firearm?

21 A. Yes.

22 Q. Is your willingness to plead guilty the result of
23 prior discussions between your attorney, Mr. Devereux,
24 and he having discussions with Mr. Thorneloe, the
25 attorney for the government?

1 A. Yes.

2 Q. As a result of those discussions have you and the
3 government entered into a plea agreement in regard to
4 this case?

5 A. Yes.

6 THE COURT: Mr. Thorneloe, if you would, please
7 present the terms of that agreement.

8 MR. THORNELOE: Yes, Your Honor. Your Honor, the
9 plea agreement is in writing. It was originally filed
10 with the court on June 14th 2011. Today we made a few
11 amendments to the court -- to the plea agreement and
12 refiled it with the Court.

13 In Count One our -- in paragraph one, the
14 defendant agrees to enter a voluntary plea of guilty to
15 Count One as set forth in the Bill of Indictment, and he
16 admits to being, in fact, guilty as charged in that
17 count.

18 In paragraph 6 the parties agree they will jointly
19 recommend the Court make the following findings and
20 conclusions as to the United States Sentencing
21 Guidelines. That pursuant to the United States
22 Sentencing Guideline 2G2.2A, the defendant's base offense
23 level is 18.

24 In paragraph 6(b) the parties recommend the
25 offense involved more than 600 images.

1 In paragraph 6(c) the defendant agrees to register
2 as a sex offender and agrees to all the terms listed in
3 that paragraph.

4 Paragraph 6(d) provides that the defendant clearly
5 demonstrates acceptance for his conduct, as well as all
6 other relevant conduct. The United States agrees to
7 recommend a two level reduction in offense level.

8 In paragraph 6(e) the defendant agrees that -- the
9 parties agree that the defendant's plea of guilty is
10 timely, and the United States would make a motion
11 requesting an additional one level reduction at the
12 appropriate time.

13 Paragraph L. Notwithstanding the foregoing
14 stipulations, the United States reserves its right to
15 argue any further enhancements that is may apply.

16 THE COURT: I don't have a paragraph L.

17 MR. THORNELOE: I'm sorry, Your Honor. That
18 changed slightly because of the amendments. It should be
19 the last paragraph there.

20 THE COURT: Paragraph K?

21 MR. THORNELOE: That sounds right, Your Honor. It
22 should say notwithstanding the foregoing stipulations,
23 the United States reserves its right to argue any further
24 enhancements that may apply.

25 THE COURT: Yes, sir.

1 MR. THORNELOE: Thank you, Your Honor.

2 Your Honor, in paragraph 20, the defendant agrees
3 to waive any and all challenges related to the uses of
4 all the offenses or relevant conduct based on *Free Speech*
5 *versus Ashcroft*. The cite is 535, *United States* 234,
6 2002.

7 Your Honor, all the parties have signed the plea
8 agreement on the last page.

9 The parties agree to all the terms of the
10 agreement whether I've read them or not.

11 THE COURT: Thank you very much, Mr. Thorneloe.

12 **FURTHER EXAMINATION**

13 BY THE COURT:

14 Q. Mr. Jeremias, do you understand and agree with
15 the terms of the plea agreement as they've just been
16 explained to you by Mr. Thorneloe?

17 A. Yes.

18 Q. And I believe your signature is on the original
19 plea agreement and, also, on the plea agreement that was
20 filed here today; is that correct?

21 A. Yes.

22 Q. Have you discussed your right to appeal with
23 Mr. Devereux? And do you understand that the plea
24 agreement in this case provides that you may not appeal
25 your conviction or sentence, or contest the same in a

1 post-conviction proceeding, unless it is on the grounds
2 of (1) prosecutorial misconduct or (2) ineffective
3 assistance of counsel?

4 A. Yes.

5 Q. Do you knowingly and willingly accept these
6 limitations on your right to appeal and to file post-
7 conviction proceedings?

8 A. Yes.

9 THE COURT: Mr. Devereux, have you reviewed each
10 of the terms of the plea agreement with Mr. Jeremias and
11 are you satisfied that he understands those terms?

12 MR. DEVEREUX: I have (inaudible).

13 **FURTHER EXAMINATION**

14 BY THE COURT:

15 Q. Mr. Jeremias, have you had ample time to discuss
16 with Mr. Devereux any possible defenses that you may
17 have to these charges, and have you told Mr. Devereux
18 everything that you want him, as your attorney, to know
19 about this case?

20 A. Yes.

21 Q. Are you entirely satisfied with the services of
22 your attorney?

23 A. I am indeed.

24 Q. Are you telling me that you know and understand
25 fully what you're doing, that you've heard and understood

1 all parts of this proceeding, and that you want me to
2 accept your plea of guilty?

3 A. Yes.

4 Q. Do you have any questions, statements or comments
5 that you'd like to make about anything that has been
6 brought up or discussed in the course of this proceeding?
7 If you do, I'll be happy to try to answer any questions
8 you may have, or I'll be glad to hear any statements or
9 comments that you might wish to make, sir.

10 A. Not at this point. Thank you.

11 Q. You'll certainly have an opportunity to make a
12 statement to Judge Reidinger at the time of sentencing,
13 that is provided for by law, and I'm certain that he will
14 listen carefully to anything that you have to say.

15 A. Thank you.

16 Q. Mr. Jeremias, the majority of the questions that
17 I have asked you are contained in a document that is
18 entitled Rule 11 Inquiry and Order of Acceptance of Plea.
19 As I was asking you the questions that are contained
20 within that document I was attempting to accurately
21 record your answers, but I will need for you and
22 Mr. Devereux to go over this document and make sure that
23 I have indeed accurately recorded your answers.

24 More importantly, I need for you and Mr. Devereux
25 to make sure that the answers that you gave me to those

1 questions were truthful. If, after review, you and
2 Mr. Devereux find that the answers to those questions
3 are both accurate and truthful then I will need for you
4 and he to sign this document and to then return it back
5 to me.

6 Officer Moss, if you would please provide that
7 document to Mr. Devereux and to Mr. Jeremias.

8 Ms. Wurst, let me give you the Rule 11 document
9 -- plea agreement so that you can record that.

10 Based upon the representations and answers given
11 by the defendant and his attorney in the foregoing Rule
12 11 proceeding I find that the defendant's plea is
13 knowingly and voluntarily made, that the defendant
14 understands the charges, the potential penalties and the
15 consequences of his plea, and his plea of guilty is
16 hereby accepted.

17 Mr. Thorneloe, do you have anything else that we
18 need to take up in regard to Mr. Jeremias's case from
19 your standpoint?

20 MR. THORNELOE: Yes, sir. I have a Consent Order
21 and Judgment of Forfeiture I'd like to hand up to the
22 Court.

23 THE COURT: All right. There's now been presented
24 to me a document entitled Consent Order and Judgment of
25 Forfeiture in regard to the forfeiture of certain

1 property referenced therein. It appears to be signed by
2 Mr. Thorneloe, Mr. Devereux, and Mr. Jeremias.

3 I take it the parties are requesting that I
4 execute that document. Is that correct, Mr. Thorneloe?

5 MR. THORNELOE: Yes, Your Honor.

6 THE COURT: Mr. Devereux?

7 MR. DEVEREUX: (Inaudible.)

8 THE COURT: All right. I've now signed that Order
9 of Forfeiture.

10 Now I have to bring up 18 United States Code 3143
11 (a)(2). That statute provides as follows. The judicial
12 officer should order that a person who has been found
13 guilty of an offense in a case described in subparagraph
14 (a), (b) or (c) of subsection (f)(1) one of Section 3142,
15 and is awaiting imposition or execution of sentence, be
16 detained unless (a)(1) the judicial officer finds there's
17 a substantial likelihood that a motion for acquittal or
18 new trial will be granted, or an attorney for the
19 government has recommended that no sentence of
20 imprisonment be imposed on the person; and (d) the
21 judicial officer finds by clear and convincing evidence
22 that the person is not likely to flee or pose a danger to
23 any other person or the community.

24 It appears to me that Mr. Jeremias has now
25 entered a plea of guilty in -- to one of what I call the

1 qualifying offenses. That being he has entered a plea of
2 guilty under 18, United States Code, Section
3 3142(f)(1)(A) to a crime of violence as that term is
4 defined in 18, United States Code, 3156. Under that
5 statute, that would include any felony under Chapter
6 109A, 110 or 117, and to the offense to which
7 Mr. Jeremias has entered a plea of guilty is provided
8 for under Chapter 110.

9 I don't believe I can find that there is a
10 substantial likelihood that a motion for acquittal or new
11 trial will be granted due to the plea of guilty and the
12 previous orders of the district court in this matter
13 regarding the motion to suppress of Mr. Jeremias.

14 Mr. Thorneloe, is an attorney for the government
15 going to recommend, or has recommended, that no sentence
16 of imprisonment be imposed upon Mr. Jeremias?

17 MR. THORNELOE: No, Your Honor.

18 THE COURT: It would appear to me that the statute
19 is mandatory. I have to order that Mr. Jeremias be
20 taken into custody. But I will certainly hear from you,
21 Mr. Devereux, about anything you'd like to tell me in
22 regard to that issue.

23 MR. DEVEREUX: (Inaudible.)

24 THE COURT: Thank you very much, Mr. Devereux.

25 Mr. Thorneloe.

1 MR. THORNELOE: Your Honor, the only way the
2 defendant could remain out pending is if he shows an
3 exceptional reason under 3145C. It's the government's
4 position that personal belongings is not an acceptable
5 reason and the Court should detain him.

6 THE COURT: Unfortunately, Mr. Devereux and
7 Mr. Jeremias, the statute is mandatory. I don't have
8 any -- I don't have any discretion in this regard. I
9 took the oath to follow the law when I took this job, and
10 I've got to do it whether I agree with it or not.

11 MR. DEVEREUX: (Inaudible.)

12 THE COURT: Thank you very much.

13 Well, unfortunately, I'm going to have to require
14 that Mr. Jeremias be placed in the custody of the
15 marshals, and I'm going to have to revoke, pursuant to
16 the statute, the terms of pretrial release that I
17 previously entered in this matter. I will place that
18 order in writing. The defendant would have 14 days in
19 which he could give notice of appeal. Notice of appeal
20 would have to be in writing and filed with the clerk's
21 office.

22 Anything further, Mr. Thorneloe?

23 MR. THORNELOE: No, Your Honor, not at this time.
24 Thank you.

25 THE COURT: Anything further, Mr. Devereux?

1 MR. DEVEREUX: (Inaudible.)

2 THE COURT: Good luck to you, Mr. Jeremias.

3 THE DEFENDANT: Thank you very much, Your Honor.

4 (Off the record at 11:20 a.m.)

5 **CERTIFICATE**

6 I, Tracy Rae Dunlap, RMR, CRR, an Official Court
7 Reporter for the United States District Court for the
8 Western District of North Carolina, do hereby certify
9 that I transcribed, by machine shorthand, from the
10 court's audio recording system, the proceedings had in
11 the case of UNITED STATES OF AMERICA versus PAUL
12 JEREMIAS, Criminal Action Number 1:10-CR-62, on June 16,
13 2011.

14 In witness whereof, I have hereto subscribed my
15 name, this 2nd day of November, 2021.

16 /s/ Tracy Rae Dunlap
17 TRACY RAE DUNLAP, RMR, CRR
18 OFFICIAL COURT REPORTER
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